

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Senate Bill 262 be amended to read as follows:

1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3               "SECTION 1. IC 20-12-0.5-8, AS AMENDED BY P.L.24-  
4       2003, SECTION 2, IS AMENDED TO READ AS FOLLOWS  
5       [EFFECTIVE JULY 1, 2004]: Sec. 8. The commission shall have the  
6       following powers and duties:  
7               (1) To develop, continually keep current, and  
8               implement a long range plan for postsecondary  
9               education. In developing this plan, the commission  
10              shall take into account the plans and interests of the  
11              state private institutions, anticipated enrollments in  
12              state postsecondary institutions, financial needs of  
13              students and other factors pertinent to the quality of  
14              educational opportunity available to the citizens of  
15              Indiana. The plan shall define the educational missions  
16              and the projected enrollments of the various state  
17              educational institutions.  
18              (2) To consult with and make recommendations to the  
19              commission on vocational and technical education  
20              within the department of workforce development on  
21              all postsecondary vocational education programs. The  
22              commission shall biennially prepare a plan for  
23              implementing postsecondary vocational education  
24              programming after considering the long range state  
25              plan developed under IC 20-1-18.3-10. The  
26              commission shall submit this plan to the commission  
27              on vocational and technical education within the  
28              department of workforce development for its review  
29              and recommendations, and shall specifically report on  
30              how the plan addresses preparation for employment.

1 (3) To make recommendations to the general  
2 assembly and the governor concerning the long range  
3 plan, and prepare to submit drafts and proposed  
4 legislation needed to implement the plan. The  
5 commission may also make recommendations to the  
6 general assembly concerning the plan for  
7 postsecondary vocational education under subdivision  
8 (2).  
9 (4) To review the legislative request budgets of all  
10 state educational institutions preceding each session of  
11 the general assembly and to make recommendations  
12 concerning appropriations and bonding authorizations  
13 to state educational institutions including public funds  
14 for financial aid to students by any state agency. The  
15 commission may review all programs of any state  
16 educational institution, regardless of the source of  
17 funding, and may make recommendations to the  
18 governing board of the institution, the governor, and  
19 the general assembly concerning the funding and the  
20 disposition of the programs. In making this review,  
21 the commission may request and shall receive, in such  
22 form as may reasonably be required, from all state  
23 educational institutions, complete information  
24 concerning all receipts and all expenditures.  
25 (5) To submit to the commission on vocational and  
26 technical education within the department of  
27 workforce development for its review under IC 20-1-  
28 18.3-15 the legislative budget requests prepared by  
29 state educational institutions for state and federal  
30 funds for vocational education. These budget requests  
31 shall be prepared upon request of the budget director,  
32 shall cover the period determined by the budget  
33 director, and shall be made available to the  
34 commission within the department of workforce  
35 development before review by the budget committee.  
36 (6) To make, or cause to be made, studies of the  
37 needs for various types of postsecondary education  
38 and to make recommendations to the general assembly  
39 and the governor concerning the organization of these  
40 programs. The commission shall make or cause to be  
41 made studies of the needs for various types of  
42 postsecondary vocational education and shall submit  
43 to the commission on vocational and technical  
44 education within the department of workforce  
45 development its findings in this regard.  
46 (7) To approve or disapprove the establishment of any  
47 new branches, regional or other campuses, or  
48 extension centers or of any new college or school, or  
49 the offering on any campus of any additional  
50 associate, baccalaureate, or graduate degree, or of any  
51 additional program of two (2) semesters, or their

equivalent in duration, leading to a certificate or other indication of accomplishment. After March 29, 1971, no state educational institution shall establish any new branch, regional campus, or extension center or any new or additional academic college, or school, or offer any new degree or certificate as defined in this subdivision without the approval of the commission or without specific authorization by the general assembly. Any state educational institution may enter into contractual agreements with governmental units or with business and industry for specific programs to be wholly supported by the governmental unit or business and industry without the approval of the commission.

(8) If so designated by the governor or the general assembly, to serve as the agency for the purposes of receiving or administering funds available for postsecondary education programs, projects, and facilities for any of the acts of the United States Congress where the acts of Congress require the state to designate such an agency or commission. However, this subdivision does not provide for the designation of the commission by the governor as the recipient of funds which may be provided by acts of the United States Congress, received by an agency, a board, or a commission designated by the general assembly.

(9) To designate and employ an executive officer and necessary employees, to designate their titles, and to fix the compensation in terms of the employment.

(10) To appoint appropriate advisory committees composed of representatives of state educational institutions, representatives of private colleges and universities, students, faculty, and other qualified persons.

(11) To employ all powers properly incident to or connected with any of the foregoing purposes, powers, or duties, including the power to adopt rules.

(12) To develop a definition for and report biennially to the:

(A) general assembly;

(B) governor; and

(C) commission on vocational and technical education within the department of workforce development;

on attrition and persistence rates by students enrolled in state vocational education.

(13) To submit a report to the legislative council not later than August 30 of each year on the status of the transfer of courses and programs between state

educational institutions. The report must include any changes made during the immediately preceding academic year.

(14) To direct the activities of the committee, including the activities set forth in subdivisions (15) and (16).

(15) To develop through the committee statewide transfer of credit agreements for courses that are most frequently taken by undergraduates.

(16) To develop through the committee statewide agreements under which associate of arts and associate of science programs articulate fully with related baccalaureate degree programs.

(17) To publicize by all appropriate means, including an Internet web site, a master list of course transfer of credit agreements and program articulation agreements.

**(18) To annually determine the higher education cost of living index, using information developed by the Bureau of Labor Statistics of the United States Department of Labor."**

Page 2, line 20, delete "an" and insert "**a full-time**".

Page 2, line 20, after "student" insert "**who is a resident of Indiana**".

Page 2, line 21, delete "three percent (3%)" and insert "**a percentage equal to the higher education cost of living index (as determined by the commission for higher education)**".

Page 2, line 22, delete "four (4)" and insert "**three (3)**".

Page 2, line 23, delete "first enrolls." and insert "**officially accepts the university's offer of admission.**".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

**"(c) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.**

**(d) Notwithstanding subsection (b), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:**

**(1) the tuition rates and mandatory fees in effect**

at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or  
 (2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 3, line 16, delete "an" and insert "a full-time".

Page 3, line 16, after "student" insert "**who is a resident of Indiana**".

Page 3, line 17, delete "three percent (3%)" and insert "**a percentage equal to the higher education cost of living index (as determined by the commission for higher education)**".

Page 3, line 18, delete "four (4)" and insert "**three (3)**".

Page 3, line 19, delete "first enrolls." and insert "**officially accepts the university's offer of admission.**".

Page 3, between lines 25 and 26, begin a new paragraph and insert:

**"(c) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.**

**(d) Notwithstanding subsection (b), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:**

**(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or  
 (2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."**

Page 4, line 3, delete "an" and insert "a full-time".

Page 4, line 3, after "student" insert "**who is a resident of Indiana**".

Page 4, line 4, delete "three percent (3%)" and insert "a

percentage equal to the higher education cost of living index (as determined by the commission for higher education)".

Page 4, line 5, delete "four (4)" and insert "**three (3)**".

Page 4, line 6, delete "first enrolls." and insert "**officially accepts the university's offer of admission.**".

Page 4, between lines 12 and 13, begin a new paragraph and insert:

**"(e) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.**

**(f) Notwithstanding subsection (d), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:**

**(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or**

**(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."**

Page 4, line 42, delete "an" and insert "**a full-time**".

Page 4, line 42, after "student" insert "**who is a resident of Indiana**".

Page 5, line 1, delete "three percent (3%)" and insert "**a percentage equal to the higher education cost of living index (as determined by the commission for higher education)**".

Page 5, line 2, delete "four (4)" and insert "**three (3)**".

Page 5, line 3, delete "first enrolls." and insert "**officially accepts the university's offer of admission.**".

Page 5, between lines 9 and 10, begin a new paragraph and insert:

**"(d) The general assembly recommends that the board of trustees conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the board of trustees must be present at the hearing.**

(e) Notwithstanding subsection (c), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the board of trustees may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the board of trustees resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or

(2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 6, line 17, after "a" insert "full-time".

Page 6, line 17, after "student" insert "who is a resident of Indiana".

Page 6, line 18, delete "three percent (3%) each year" and insert "a percentage equal to the higher education cost of living index (as determined by the commission for higher education)".

Page 6, line 18, delete "two (2) consecutive".

Page 6, line 19, delete "years" and insert "year".

Page 6, line 20, delete "first enrolls." and insert "officially accepts the college's offer of admission"..

Page 6, between lines 25 and 26, begin a new paragraph and insert:

"(f) The general assembly recommends that the state board conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the college each year. If a public hearing is conducted, at least two (2) members of the state board must be present at the hearing.

(g) Notwithstanding subsection (f), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the state board may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the college and has officially notified the college of the individual's acceptance of the offer of admission before the state board resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the college's offer, if the reset tuition rate and

mandatory fees are higher than those in effect at the time of the individual's acceptance; or  
 (2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 7, line 20, delete "an" and insert "a full-time".

Page 7, line 20, after "student" insert "who is a resident of Indiana".

Page 7, line 21, delete "three percent (3%)" and insert "a percentage equal to the higher education cost of living index (as determined by the commission for higher education)".

Page 7, line 22, delete "four (4)" and insert "three (3)".

Page 7, line 23, delete "first enrolls." and insert "officially accepts the university's offer of admission."

Page 7, between lines 29 and 30, begin a new paragraph and insert:

"(d) The general assembly recommends that the university conduct at least one (1) public hearing before setting the tuition rates and mandatory fees for the university each year. If a public hearing is conducted, at least two (2) members of the university's board must be present at the hearing.

(e) Notwithstanding subsection (c), not later than sixty (60) days after the enactment of the biennial budget bill for state educational institutions, the university may reset tuition rates and mandatory fees for incoming freshmen students. However, an individual who has been offered admission to the university and has officially notified the university of the individual's acceptance of the offer of admission before the university resets tuition rates and mandatory fees under this subsection shall be charged:

(1) the tuition rates and mandatory fees in effect at the time of the individual's acceptance of the university's offer, if the reset tuition rate and mandatory fees are higher than those in effect at the time of the individual's acceptance; or  
 (2) the reset tuition rate and mandatory fees, if the reset tuition rates and mandatory fees are lower than those in effect at the time of the individual's acceptance."

Page 8, line 12, after "a" insert "full-time".

Page 8, line 12, after "student" insert "who is a resident of Indiana".

Page 8, line 13, delete "three percent (3%) each year" and insert "a percentage equal to the higher education cost of living index (as determined by the commission for higher education)".

Page 8, line 13, delete "two (2) consecutive".



1 Page 8, line 14, delete "years" and insert "year".

2 Page 8, line 15, delete "first enrolls." and insert "**officially**  
3 **accepts the university's offer of admission.**".

4 Page 8, after line 21, begin a new paragraph and insert:

5 **"(d) The general assembly recommends that the board of**  
6 **trustees conduct at least one (1) public hearing before setting the**  
7 **tuition rates and mandatory fees for the university each year. If**  
8 **a public hearing is conducted, at least two (2) members of the**  
9 **board of trustees must be present at the hearing.**

10 **(e) Notwithstanding subsection (c), not later than sixty**  
11 **(60) days after the enactment of the biennial budget bill for state**  
12 **educational institutions, the board of trustees may reset tuition**  
13 **rates and mandatory fees for incoming freshmen students.**  
14 **However, an individual who has been offered admission to the**  
15 **university and has officially notified the university of the**  
16 **individual's acceptance of the offer of admission before the board**  
17 **of trustees resets tuition rates and mandatory fees under this**  
18 **subsection shall be charged:**

19 **(1) the tuition rates and mandatory fees in effect**  
20 **at the time of the individual's acceptance of the**  
21 **university's offer, if the reset tuition rate and**  
22 **mandatory fees are higher than those in effect at**  
23 **the time of the individual's acceptance; or**  
24 **(2) the reset tuition rate and mandatory fees, if**  
25 **the reset tuition rates and mandatory fees are**  
26 **lower than those in effect at the time of the**  
27 **individual's acceptance.**

28 **SECTION 11. [EFFECTIVE JULY 1, 2004] (a) As used in**  
29 **this SECTION, "state educational institution" has the meaning**  
30 **set forth in IC 20-12-0.5-1.**

31 **(b) A state educational institution shall notify the state**  
32 **budget committee of the state educational institution's tuition**  
33 **rate and mandatory fees for the 2005-2006 academic year before**  
34 **December 1, 2004.**

35 **(c) This SECTION expires December 31, 2004."**

36 Renumber all SECTIONS consecutively.

(Reference is to SB 262 as printed January 16, 2004.)

---

Senator KENLEY